

AN ACT

**D.C. ACT 24-793**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2023**

To amend the Department of Transportation Establishment Act of 2002 to require the Director to enter into an agreement with the Washington Metropolitan Area Transit Authority for fare-free Metrobus travel and expanded after-hours Metrobus service in the District, to establish the District Resident Transit Subsidy Program, to establish the Fare-Free Bus Service Fund, to establish the Bus Service Enhancement Fund, and to direct certain revenues to the Fare-Free Bus Service Fund and the Bus Service Enhancement Fund; and to amend section 47-1803.02 of the District of Columbia Official Code to exclude from gross income subsidies provided pursuant to the District Resident Transit Subsidy Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Metro for D.C. Amendment Act of 2022”.

Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

(a) Section 2a (D.C. Official Code § 50-921.01a) is amended as follows:

(1) Paragraphs (1), (1A), and (1B) are, respectively, redesignated as paragraphs (1B, (1C), and (1D).

(2) New paragraphs (1) and (1A) are added to read as follows:

“(1) “DDOT” means the District Department of Transportation established by section 2.

“(1A) “Director” means head of DDOT appointed pursuant to section 3.

(b) Section 3 (D.C. Official Code § 50-921.02) is amended by adding a new subsection (h) to read as follows:

“(h)(1) Within 60 days of the effective date of the Metro for D.C. Amendment Act of 2022, passed on 2nd reading on December 20, 2022 (Enrolled version of Bill 24-429), the Director shall enter into a fare buydown agreement with the Washington Metropolitan Area Transit Authority to facilitate:

“(A) The provision of fare-free Metrobus transportation within the District; and

“(B) Daily 24-hour Metrobus service on at least 12 Metrobus lines in the District, with a maximum of 20 minutes between any scheduled bus arrival at any stop.

"(2) The Metrobus lines identified in subparagraph (B) of this paragraph shall be determined based on high ridership, with an emphasis on serving major transportation corridors and activity centers.

"(3) The Director may amend the fare buydown agreement required by paragraph (1) of this subsection or enter in additional fare buydown agreements in order to expand the availability of Metrobus service within the District."

(b) A new title VI is added to read as follows:

"TITLE VI. TRANSIT SUBSIDIES FOR DISTRICT RESIDENTS.

"Sec. 11t. Definitions.

"For the purposes of this title, the term:

"(1) "DDOT" means the District Department of Transportation.

"(2) "Participant" means an individual who has applied and been determined eligible for the Program within the prior 12 months, pursuant to section 11w.

"(3) "Program" means the District Resident Transit Subsidy Program, established by section 11u.

"(4) "WMATA" means the Washington Metropolitan Area Transit Authority.

"Sec. 11u. Transit Subsidy Program established.

"(a) There is established a District Resident Transit Subsidy Program, which shall be administered by DDOT, to provide subsidies to participants for travel on any transportation that accepts payment through a SmarTrip card issued by WMATA or a similar transit card utilized by WMATA or any other agency in the District or another jurisdiction with which the Mayor has entered into an agreement pursuant to subsection (b) of this section.

"(b) The Mayor shall enter into an agreement with WMATA, and may enter into an agreement with any other agency in the District or another jurisdiction, to manage subsidies provided by the Program, including to:

"(1) Make payments onto a transit card for the transportation of a participant; and

"(2) Track the value of subsidies paid, fare payments, and remaining subsidy balances on each transit card registered to a participant, such that funds deposited for the purpose of this subsidy:

"(A) Are tracked separately from other funds deposited on the same transit card; and

"(B) Are tracked separately from and not used to pay for parking.

"(c) Assistance provided pursuant to this title shall not constitute an entitlement nor be considered income for the purpose of determining eligibility for public assistance.

"Sec. 11v. Transit subsidy payments.

"(a) DDOT shall, on the first day of each month, disburse funds to the transit card of participants such that the total amount of subsidy dollars available on each participant's transit card equals \$100.

"(b) Upon the cancellation or expiration of a participant's transit card, WMATA or another agency shall revert to the District any remaining funds on the transit card disbursed pursuant to the Program.

"Sec. 11w. Eligibility.

"(a)(1) A person shall be eligible to receive a subsidy under the Program if the person:

"(A) Provides DDOT with proof of District residency;

"(B) Certifies that the person is 5 years of age or older; and

"(C) Is not, at the time of application or renewal, a recipient of:

"(i) Another subsidy paid by the federal government that is deposited on a SmarTrip card issued by WMATA or any other transit card; or

"(ii) Free transit fares from the Kids Ride Free Program pursuant to section 6044 of the Student, Foster Youth, Summer Youth Employee, and Adult Learner Transit Subsidies Act of 2019, effective September 11, 2019 (D.C. Law 23-16; D.C. Official Code § 35-243).

"(2) DDOT may enter into an agreement with a District or federal agency to share information necessary to determine a person's eligibility pursuant to paragraph (1) of this subsection.

"(3) Notwithstanding paragraph (1) of this subsection, DDOT may, by rule, further restrict eligibility to receive a subsidy under the Program to applicants who do not, at the time of application, receive another subsidy paid by the District government or the applicant's employer that is deposited on a SmarTrip card issued by WMATA or any other transit card.

"(4) DDOT may require a minor's parent or guardian or school to file an application on behalf of the minor to participate in the Program.

"(b)(1) DDOT shall:

"(A) Establish a process for persons to apply for a subsidy under this title, which, at a minimum, shall include accepting applications online through the DDOT website and in hard copy via mail; and

"(B) Develop an application and a website that includes information on the Program, how to apply, and on the non-profit assistance available pursuant to subsection (e) of this section.

"(2) The Mayor shall make the application available online on the DDOT website and in hard copy at Department of Parks and Recreation and District of Columbia Public Library facilities open to the public.

"(c) DDOT shall promulgate a list of the documentation or other proof that an applicant, who is not otherwise presumed to be a District resident pursuant to this subsection, may submit to prove that the applicant is a resident of the District; except, that an applicant shall be presumed to be a District resident if:

"(1) During the previous year, the applicant filed an income tax return, pursuant to Subchapter VI of Chapter 18 of Title 47 of the District of Columbia Official Code, as a resident of the District;

"(2) The applicant is currently having District income tax withheld from their wages;

"(3) The applicant receives public assistance, as that term is defined in section 101(6) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01(6)), administered by a District agency; or



“(4) An organization certified by the Department of Human Services to document the homeless status of an individual has completed a social service proof of residency form certifying that the applicant is a District resident.

“(d)(1) Twelve months after first receipt of a subsidy under the Program, and every year thereafter, a participant shall recertify the participant’s eligibility for the Program.

“(2) DDOT shall confirm that, at the time of application, the participant remains eligible under subsection (a) of this section.

“(e)(1) DDOT shall maintain a list on its website of nonprofit organizations that offer services to assist persons with applying for the Program or recertifying their eligibility.

“(2) DDOT shall provide notice on both the online and hard copy applications for the Program that nonprofit organizations are available to provide assistances. Such notice shall include a link to the list of nonprofit organizations on DDOT’s website required by paragraph (1) of this subsection.

“(3) DDOT may provide grants to nonprofit organizations for the purpose of:

“(A) Assisting applicants with applying for the Program or recertifying their eligibility, including providing proof of residency;

“(B) Purchasing SmarTrip or other transit cards for participants;

“(C) Providing guidance on Program eligibility; and

“(D) Providing other services necessary for residents to access the subsidy provided under the Program.

“Sec. 11x. Authorization to negotiate fares.

“The Mayor is authorized to enter into an agreement with WMATA or other agencies for reduced transit fares for participants.

“Sec. 11y. [Reserved]

“Sec. 11z. Fare-Free Bus Fund established.

“(a) There is established as a special fund the Fare-Free Bus Service Fund (“Fund”), which shall be administered by the Mayor in accordance with subsection (c) of this section.

“(b) Provided that the Chief Financial Officer certifies that sufficient revenue exists pursuant to section 11bb, there shall be deposited into the Fund general retail sales tax revenue collected pursuant to Chapter 20 of Title 47 of the D.C. Official Code as follows:

“(1) In Fiscal Year 2023 -- \$11 million;

“(2) In Fiscal Year 2024 -- \$43.03 million; and

“(3) In Fiscal Year 2025 -- \$45.18 million;

“(4) In Fiscal Year 2026 -- \$47.44 million; and

“(5) For each succeeding fiscal year after Fiscal Year 2026, an amount equal to 105% of the prior year’s amount.

“(c) Money in the Fund shall be used to support the fare buydown agreement entered into pursuant to section 3(h) to provide fare-free Metrobus transportation within the District and 24-hour daily Metrobus service on Metrobus lines as specified by the fare buydown agreement.

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

“Sec. 11aa. Bus Service Enhancement Fund established.

“(a) There is established as a special fund the Bus Service Enhancement Fund (“Fund”), which shall be administered by DDOT in accordance with subsection (c) of this section.

“(b) Provided that the Chief Financial Officer certifies that sufficient revenue exists pursuant to section 11bb, there shall be deposited into the Fund general retail sales tax revenue collected pursuant to Chapter 20 of Title 47 of the D.C. Official Code as follows:

“(1) In Fiscal Year 2023, \$2.5 million; and

“(2) For each succeeding fiscal year after Fiscal Year 2023, \$10 million.

“(c) Money in the Fund shall be used to improve transit access or service in areas identified in DDOT’s Multimodal Long-Range Transportation Plan as areas of high transportation need or historically underserved communities or to serve residents of those areas as follows:

“(1) Making payments to WMATA to:

“(A) Create new bus routes not in operation before July 1, 2023; or

“(B) Extend service hours, shorten headways, or make other service improvements for an existing bus route;

“(2) Used by DDOT to:

“(A) Operate new DC Circulator or DC Streetcar routes not in operation before July 1, 2023;

“(B) Extend service hours, shorten headways, or make other service improvements for an existing DC Circulator or DC Streetcar line; or

“(C) Install, lease, maintain, or operate infrastructure that DDOT determines will increase ridership or improve transit service, including dedicated transit lanes, signal priority, bus shelters, payment kiosks, or other amenities; or

“(3) Funding studies to support increased ridership or improved transit service.

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

“Sec. 11bb. Revised revenue allocation for bus service.

“(a)(1) The fiscal impact of the general sales tax dedication to the Fare-Free Bus Service Fund, established pursuant to section 11z, and the general sales tax dedication to the Bus Service Enhancement Fund, established pursuant to section 11aa, shall be offset, in that order, by local fiscal year recurring revenues included in the Chief Financial Officer’s December 2022 revenue estimate and, if necessary, the February 2023 revenue estimate, that exceed the local fund revenue incorporated in the Fiscal Year 2023 approved budget and financial plan.

“(2) If the excess revenue included in the December 2022 revenue estimate is not sufficient to fully offset the dedication to the Fare-Free Bus Service Enhancement Fund and the

Bus Service Enhancement Fund, the excess revenue shall be set aside first to the Fare-First Bus Service Enhancement Fund until that is fully funded.

“(b) In the December 2022 revenue estimate, the Chief Financial Officer shall certify:

“(1) Whether and by what amount local fiscal year revenues included in the revenue estimate exceed the annual revenue estimate for Fiscal Year 2023 through Fiscal Year 2026, as incorporated in the approved budget and financial plan for Fiscal Year 2023;

“(2) Whether such excess revenues are in an amount sufficient to offset the general sales tax dedication identified in subsection (a) of this section; and if not, what amount has been set aside;

“(3) That all such excess revenues have been set aside to ensure the general sales tax dedication identified in subsection (a) of this section is fully offset.

“(c) In the February 2023 revenue estimate, the Chief Financial Officer shall certify:

“(1) Whether and by what amount local fiscal year revenues included in the revenue estimate exceed the annual revenue estimate for Fiscal Year 2023 through Fiscal Year 2026, as incorporated in the approved budget and financial plan for Fiscal Year 2023;

“(2) Whether such excess revenues, together with the excess revenues identified pursuant to this subsection in the December 2022 revenue estimate, are in an amount sufficient to offset the general sales tax dedication identified in subsection (a) of this section; and

“(3) That all such excess revenues, together with the excess revenues identified pursuant to this subsection in the December 2022 revenue estimate, have been set aside to ensure the general sales tax dedication identified in subsection (a) of this section is fully offset.

“Sec. 11cc. Rules.

“The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.

“Sec. 11dd. Reporting.

“By January 1, 2024, and each year thereafter, DDOT shall post information publicly on its website, and, to the extent practical, make the underlying data publicly available, regarding the implementation and administration of this title. At a minimum, the information shall include, for the preceding fiscal year, data on the Bus Service Enhancement Fund established in section 11aa, including:

“(1) A list of services and projects receiving funding from the Bus Service Enhancement Fund, including specific funding levels if available; and

“(2) Data on service or ridership changes that occurred for Bus Service Enhancement Fund funded projects.”.

Sec. 3. Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (YY) to read as follows:

“(YY) A subsidy provided pursuant to Title VI of the Department of Transportation Establishment Act of 2002, passed on 2nd reading on December 20, 2022 (Enrolled version of Bill 24-429).”.



Sec. 4. Applicability.

(a) Amendatory sections 11u, 11v, 11w, and 11dd of the Department of Transportation Establishment Act of 2002, passed on 2nd reading on December 20, 2022 (Enrolled version print of Bill 24-429), in section 2 and section 3 shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

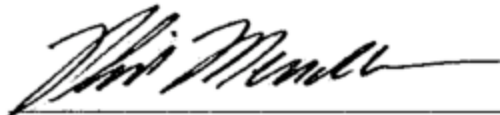
(2) The date of publication of the notice of the certification shall not affect the applicability of the provisions identified in subsection (a) of this section.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia

UNSIGNED

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Mayor  
District of Columbia  
JANUARY 26, 2023



## COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, DC, 20004

Docket No. **B24-0429**☒ ITEM ON CONSENT CALENDAR☒ ACTION

First Reading, CC

☒ VOTE DATE

December 6, 2022

☐ VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

☒ ROLL CALL VOTE – Result

Approved

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White	X				
Cheh	X					Nadeau	X										
Gray	X					Pinto	X										
X - Indicate Vote						AB – Absent					NV - Present, Not Voting					Rec - Recused	

## CERTIFICATION RECORD

  
 Secretary to the Council

1-1-23  
 Date
Docket No. **B24-0429**☒ ITEM ON CONSENT CALENDAR☒ ACTION

Final Reading, CC

☒ VOTE DATE

December 20, 2022

☐ VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

☒ ROLL CALL VOTE – Result

Approved

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White	X				
Cheh	X					Nadeau	X										
Gray	X					Pinto	X										
X - Indicate Vote						AB – Absent					NV - Present, Not Voting					Rec - Recused	

## CERTIFICATION RECORD

  
 Secretary to the Council

1-1-23  
 Date